

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 29, 2004

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B166952 People v. Casas
B172953 People v. Romero
B171229 People v. Munguia
B172253 People v. Carlos E.

Argument waived, cause submitted.

B173343 People
 v.
 Yuill

Merits:

Argued by Richard Fitzer for appellant and by David C. Cook for respondent. Cause submitted.

B169297 People
 v.
 Martin

Merits:

Argued by Stephen Lathrop for appellant and by Russell A. Lehman for respondent. Cause submitted.

DIVISION TWO (Continued)

B169190 Smith et al.
 v.
 Mishleau,
 Philips et al.

Merits:
Argued by George Coleman for appellant and by Dennis Mullen for respondent. Cause submitted.

B170331 City of Los Angeles
 v.
 CBI Services Inc.

Merits:
Argued by Amy Rubinfeld for appellant and by Brant Dveirin for respondent. Cause submitted.

B167909 Coplan
 v.
 Coplan

Merits:
Argued by Debra Coplan for appellant and by Richard Lewis for respondent. Cause submitted.

B168126 Associated International
 v.
 Montenegro LTD.

Merits:
Argued by Joseph Donely for appellant and by Rick Cigel for respondent. Cause submitted.

Court adjourned.

DIVISION THREE

B166344 People (Certified for Publication)

v.

Jared J. Standish

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
Kitching, J.

B174411 D'Orsay International Partners (Certified for Publication)

v.

Superior Court, Los Angeles County (Jeffrey C. Stone, Inc., r.p.i.)

The order to show cause is discharged. The petition for writ of mandate is granted. Let a peremptory writ issue directing the respondent to vacate its order granting D'Orsay's motion for release of Summit's mechanic's lien on the condition that D'Orsay post a bond of \$1,270, 000, and to enter a new and different order granting D'Orsay's motion to release the mechanic's lien outright without requiring the posting of a bond. D'Orsay is awarded its costs in this proceeding.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

B171894 Tracy A. Long (Not for Publication)

v.

Warren Long

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B164958 People (Not for Publication)
v.
Felicia A. Jones

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B170894 People (Not for Publication)
v.
Manuel A. Reyes

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

[illegible]

The matter is remanded with direction to the trial court to strike the 10 year Penal Code section 186.22, subdivision (b)(1)(C) enhancements as to counts 3 and 4 and to impose 15 year minimum parole eligibility conditions on those two counts. The trial court is directed to prepare an amended judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B172276 Haroonian (Not for Publication)

v.

Southern California Nessah Education and Cultural Center

The judgment of dismissal dated December 15, 2003, is reversed. The cause is remanded and the Superior Court is directed to vacate its order dismissing the action, and to enter judgment in favor of appellant and against Southern California Nessah Educational and Cultural Center, David Shofet, Rouhollah Cohanin, Leon Farahnik, and Manouchehr Saadian, jointly and severally, in the sum of \$5000, each party to bear its own costs and attorney fees. Appellant shall have costs on appeal.

Hastings, Acting P.J.

We concur: Curry, J.
Grimes, J. (Assigned)

B168245 People (Not for Publication)

v.

Solis

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

B168926 People (Not for Publication)

v.

Sandres

The judgment is affirmed.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

October 29, 2004 (Continued)

DIVISION FOUR (Continued)

B173751 McGuire
v.
Rumph

(Not for Publication)

The judgment is reversed with regard to the first cause of action, and affirmed with regard to the second cause of action. The order of October 1, 2003, denying appellant's motion for leave to file an amended complaint, is affirmed. Appellant shall have costs on appeal.

Hastings, Acting P.J.

We concur: Curry, J.
Grimes, J. (Assigned)

10-29-04

124872-04

The HONORABLE ELIZABETH A. GRIMES, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Four, as a justice thereof, on the following dates:

November 20, 2004 To December 31, 2004

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: October 28, 2004

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION EIGHT

B167384 People (Not for Publication)
v.
Morrow

The judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.
 Flier, J.

B172089 People (Not for Publication)
v.
Campos

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B169283 Law Offices Of Hutchinson & Snider (Not for Publication)
v.
Superior Court, Los Angeles County
(Stolzoff,, r.p.i.)

The appeal is treated as a petition for a writ of mandate. The petition for a writ of mandate is granted and the case is remanded with directions to vacate the orders granting summary judgment and awarding sanctions and to enter an order denying Stolzoff's motion for summary judgment. The purported judgment of June 16, 2003, is vacated and set aside. The appeal taken from the purported judgment of June 16, 2003, is dismissed. Petitioner is to recover its costs in the proceedings in this court.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

DIVISION EIGHT (Continued)

B163693 People (Not for Publication)
v.
Robinson, et al.

In light of our disposition of the appeals, it is not necessary to address the remainder of appellants' contentions. The judgments of conviction are reversed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.